

June 25, 2002

CPM 2002-7

MEMORANDUM FOR HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

**FROM: KAY COLES JAMES
DIRECTOR**

SUBJECT: Wildfires

I am deeply concerned about the losses suffered by many as a result of the wildfires that are occurring this season. Many parts of the Federal Government have been mobilized to respond to these major disasters. The following information is intended to bring you up to date on actions being taken in response to the destruction caused by the wildfires occurring in the United States this season.

Excused Absence

I am asking heads of departments and agencies to excuse from duty without charge to leave or loss of pay employees who are affected by wildfires occurring in the United States (and their aftermath) and who can be spared from their usual responsibilities. Specifically, I am requesting that excused absence be granted to (1) employees who are needed for emergency law enforcement, relief, or clean-up efforts authorized by Federal, State, or other officials having jurisdiction and (2) employees who are prevented from reporting for work or faced with a personal emergency because of the fires and their aftermath. This policy does not apply to Federal employee members of the National Guard or Reserves who are called up to assist, since they are entitled to military leave under 5 U.S.C. 6323(b).

Questions may be referred to the Office of Personnel Management's (OPM's) Pay and Leave Administration Division on (202) 606-2858 or by email at payleave@opm.gov.

Premium Pay for Employees Performing Emergency Overtime Work

Agencies are reminded of their authority under the law (5 U.S.C. 5546(b)) and OPM regulations (5 CFR 550.106) to make exceptions to the biweekly premium pay limitations. When the head of an agency or his or her designee determines that an emergency posing a direct threat to life or property exists, an employee who is performing overtime work in connection with the emergency must be paid premium pay under the annual limitation rather than the biweekly limitation. Employees, **including law enforcement officers**,

receive premium pay only to the extent that the aggregate of basic pay and premium pay for the calendar year does not exceed the **greater** of the **annual** rate for (1) GS-15, step 10 (including any applicable special salary rate or locality rate of pay), or (2) level V of the Executive Schedule. (Section 1114 of Public Law 107-107, December 28, 2001, modified the biweekly and annual limitations on premium pay under 5 U.S.C. 5547. For additional information on administering the annual premium pay limitation, see OPM's interim regulations on premium pay limitations at <http://www.opm.gov/fedregis/2002/66-0019319-a.htm>.)

I encourage you to exercise this authority in the case of any employee who performs emergency overtime work in connection with the wildfires and their aftermath. You must make the determination as soon as practicable and make entitlement to premium pay under the annual limitation effective as of the first day of the pay period in which the emergency began.

Emergency Leave Transfer Program

Please contact OPM if you believe there is a need to establish an emergency leave transfer program to assist employees affected by this season's wildfires. The President may direct OPM to establish an emergency leave transfer program to assist employees affected by an emergency or major disaster. The emergency leave transfer program would permit employees in an executive agency to donate unused annual leave for transfer to employees of the same or other agencies who have been adversely affected by the fires and who need additional time off from work without having to use their own paid leave. Please contact OPM's Pay and Leave Administration Division on (202) 606-2858 or by email at payleave@opm.gov.